



**IPC Comments on the  
Translation and Transliteration of Contact Information PDP Initial Report**

January 27, 2015

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) welcomes the opportunity to comment on the Translation and Transliteration of Contact Information PDP Initial Report, as well as to contribute further ideas and suggestions.

The IPC has carefully studied the Initial Report and appreciates the work done by the Working Group so far. Although we do not agree with the majority of the Working Group's Preliminary Recommendations, the IPC appreciates that all arguments for and against mandatory transformation of contact information in all generic top-level domains are listed in the report.

Two introductory remarks that touch on several of the preliminary recommendations:

1. The IPC notes that both Preliminary Recommendations #1 and #6 refer to something called the "Domain Name Relay Daemon." This term is not defined in the Initial Report. The IPC therefore asks that the Working Group report adhere as closely as possible to the detailed glossary of registration data-related terms developed by SSAC and presented in SAC051<sup>1</sup>, and which the ICANN Chair has repeatedly enjoined all to employ exclusively. If any additional terms are needed, they should be defined in the report.

2. The IPC finds it counterproductive to evaluate the feasibility of data translation and transliteration together, in part because this very combination gives rise to the argument that "automated systems would not be able to know when to translate and when to transliterate."

The differences between translation and transliteration were discussed at length in the Internationalized Registration Data Working Group. The IPC's experience of that discussion is that in the vast majority of cases, it is transliteration and not translation that is most important in enabling the registration data service to fulfill its function of enhancing transparency and accountability in the DNS.

For example, knowing that a registrant named Dov Barak has an address in Tel Aviv is far more useful than being told that a registrant named Bear Lightning has an address in Hill of Spring. The IPC notes the point about "Bangkok" in the Initial Report, however we consider that an exceptional case, not the rule.

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<sup>1</sup> SAC051 / SSAC Report on Domain Name WHOIS Terminology and Structure, 2011-09-19

### **Preliminary Recommendation #1**

*“The Working Group could recommend that it is not desirable to make transformation of contact information mandatory. Any parties requiring transformation are free to do it ad hoc outside the Domain Name Relay Daemon.”*

As stated in the IPC’s provisional contribution to the Working Group’s Questionnaire in March 2014, the IPC strongly supports mandatory translation and/or transliteration (transformation) of contact information in all generic top-level domains (gTLDs). Therefore we disagree with this preliminary recommendation.

We fully agree with the opinion that mandatory transformation of all contact information into a single script would allow for a transparent, accessible and, arguably, more easily searchable database. Currently, the data available in the WHOIS database is in US-ASCII for the vast majority of all gTLDs, making the WHOIS database a useful global resource by enabling the greatest number of registration data users to read the data. The alternative, having data in an unlimited number of scripts, is troubling for a number of reasons.

Although the IPC agrees that there are situations where the contact information in the local language of the registrant is the primary version, such as to identify the registrant in preparation for a *local* legal action, there are a number of situations where a global WHOIS search, providing access to data in as uniform a fashion as possible, is necessary for the data registration service to achieve its goals of providing transparency and accountability in the DNS.

The more global the impact, the more important it is for the data to be accessible in globally searchable languages. For example, the contact information of a local (national) trademark registration is normally provided in the local language; although it is sometimes also provided in English. This purely local information distinction is appropriate, as it is a local registration.

By contrast, the list of goods and services, and related information, of European Community Trademarks are registered in 12 EU languages.

Similarly, International Trademark Registrations (under the Madrid Agreement and the Madrid Protocol – the “Madrid System”), covering 92 territories around the world, use three languages for trademark filing and information: English, French and Spanish.

In other words, the more internationalized the registration and trademark protection is, the more important it is to have the registration details translated into languages that are globally searchable.

Given the global nature and use of the WHOIS, it is important to have WHOIS data transformed into the most common script/language choices.

An internationally readable WHOIS would, for example, benefit the following purposes of various users, outlined in the June 6, 2014 “Final Report from the Expert Working Group on gTLD Directory Services: A Next-Generation Registration Directory Service (RDS)”<sup>2</sup>:

- Enable due diligence searches by various business internet users (such as brand holders and agents)
- Enable one to determine all domain names registered by a specified entity, for example, as a part of a legal search to identify all domain names registered to a recently merged company as part of merger/spinoff asset verification, or an internal search to identify domain names registered by subsidiaries, etc.
- Enable brand owners to contact a registrant who is using a domain name that is being investigated for intellectual property infringement – especially when it comes to international disputes
- Facilitate identification of and response to fraudulent use of legitimate data (e.g., address) for domain names belonging to another registrant by using Reverse Query on identity-validated data
- Enable intellectual property owners to conduct historical research about a domain name registration (WhoWas) during IP infringement research
- Enable individual internet users, including consumers, to confirm that any given web site connected to a specific domain name is held by a real company and not a fictitious one that masks its identity by using a unique script or language.

Having identified a number of situations, where easily accessible WHOIS information is important, the EWG notes<sup>3</sup> on translation/transliteration of contact data that “as there is a policy development process (PDP) currently underway on this issue, the EWG chose not to duplicate efforts...”

In sum, the IPC agrees with the Working Group’s arguments supporting mandatory transformation of contact information in all gTLDs.

The Working Group’s arguments against mandatory transformation seem to focus on the extra costs related to such system.

The IPC respects these concerns, but we believe that there are ways to solve the problems without increasing the costs for registrants and/or end users.

As presented by Thailand’s GAC member of the Working Group, one partial solution could be for ICANN to designate each country’s GAC to coordinate locally to standardize the conversion from local language to English for each country.<sup>4</sup>

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<sup>2</sup> EXPERT WORKING GROUP FINAL REPORT, Date: 6 June 2014 , page 21f

<sup>3</sup> EXPERT WORKING GROUP FINAL REPORT, Date: 6 June 2014 , page 122

<sup>4</sup> (DRAFT) Proposal by THAILAND’s Government Advisory Committee (GAC), 2013-01-23

Another partial solution could be to require:

- WHOIS information to be in the language of the registrar, *and*
- Translation or transliteration if it is not in a) Latin characters or b) one of the six U.N. languages.

Another option, proposed by the Expert Working Group on Internationalized Registration Data in its April 2014 Initial Report<sup>5</sup>, is to require the script used for registration data to either be that of the TLD itself, or else US-ASCII. As the IPC stated then, “this approach adequately caters to the needs of registrants while preserving the ability of many registration data users to read the data, thus enabling the registration data service to achieve its goals of providing transparency and accountability in the DNS.”<sup>6</sup> If this option were adopted, it could reduce (though not eliminate) the need for translation or transliteration, as all pertinent data would already be in US-ASCII script, except in the case of IDN gTLDs. It is not clear if the Working Group has considered this, or the other options discussed by the Expert Working Group, in the preparation of this Initial Report.

Finally on this issue, the IPC notes that the Initial Report makes no reference to the current ICANN stance that “Registries and Registrars are encouraged to only use US-ASCII encoding and character repertoire for WHOIS port 43 output.”

This recommendation is contained in an Advisory issued by ICANN last September, which also includes the following:

*All domain name labels in the values of any of the fields described in section 1.4.2 of the 2013 RAA, and sections 1.5, 1.6, and 1.7 of Specification 4 of the Registry Agreement (e.g., Domain Name, Name Server, email) MUST be shown in ASCII-compatible form (A-Label).*

*“For example, a name server with an IDN label should be shown as:  
Name Server: ns1.xn--caf-dma.example.”*

This example indicates that “transformation” of registration data into US-ASCII is ICANN’s stance today.

The Advisory was issued on September 12, 2014, with a public announcement on the ICANN website.<sup>7</sup> Although the Advisory was noted as “suspended” on December 22, 2014, without any notice, it had not been suspended when the Working Group issued its Initial Report.<sup>8</sup> The IPC is interested in learning if and how the Working Group considered this recent authoritative ICANN statement that directly addresses a core issue before the Working Group – and if not, why not.

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<sup>5</sup> See <http://gnso.icann.org/en/issues/ird/interim-report-10apr14-en.pdf>.

<sup>6</sup> <http://forum.icann.org/lists/comments-ird-interim-14apr14/msg00001.html>

<sup>7</sup> See <https://www.icann.org/news/announcement-2014-09-12-en>

<sup>8</sup> Furthermore, IPC has reviewed correspondence from the Registry Stakeholder Group regarding concerns raised about the Advisory, which does not indicate any concerns about this recommendation in the Advisory.

## **Preliminary Recommendation #2**

*“The Working Group could recommend that any new Registration Directory Service (RDS) databases contemplated by ICANN should be capable of receiving input in the form of non-Latin script contact information. However, all data fields of such a new database should be tagged in ASCII to allow easy identification of what the different data entries represent and what language/script has been used by the registered name holder.”*

As long as transformation of contact information is mandatory, the IPC has no objection to this Recommendation.

However, if, ultimately, no transformation of registration information is mandatory, it should at least be required that all data fields are presented in selectable text. In other words, the practice of some registrars of presenting some fields, most notably the e-mail address fields, as an image of text, rather than as selectable text, should be prohibited.

Where the data is not readable to the user, and it is not presented as selectable text, the user may also not be able to type or enter it using their computer, totally frustrating the ability for the data to be translated on the user end or for the user to perform additional research by using the data as search query terms.

Having the data presented in selectable text at least allows the user to select the text and perform a translation himself or herself, or use the text as a query in search engines, and therefore should be considered essential.

## **Preliminary Recommendation #3**

*“The Working Group could recommend that registered name holders enter their contact information data in the language or script appropriate for the language that the registrar operates in.”*

The IPC supports this recommendation, see above.

## **Preliminary Recommendation #4**

*“The Working Group could recommend that the registrar and registry assure that the data fields are consistent, that the entered contact information data are verified (in accordance with the Registrar Accreditation Agreement (RAA)) and that the data fields are correctly tagged to facilitate transformation if it is ever needed.”*

The IPC suggests this recommendation be amended to read: “The Working Group recommends that the registrar and registry assure that the data fields are consistent, that the entered contact information data are verified (in accordance with the Registrar Accreditation Agreement (RAA)) and that the data fields are correctly tagged to facilitate the mandatory transformation.”

#### **Preliminary Recommendation #5**

*“The Working Group could recommend that if registrars wish to perform transformation of contact information, these data should be presented as additional fields (in addition to the local script provided by the registrant), to allow for maximum accuracy.”*

The IPC suggests this recommendation be amended to read: “The Working Group recommends registrars’ mandatory transformation of contact information shall be presented as additional fields (in addition to the local script provided by the registrant), to allow for maximum accuracy.”

#### **Preliminary Recommendation #6**

*“The Working Group could recommend that the field names of the Domain Name Relay Daemon be translated into as many languages as possible.”*

The IPC has no objection to this recommendation; however also see our introductory comments, and comments regarding Recommendation #1.

In addition, the IPC wants to point out that since the Working Group’s charter is to determine “who should bear the burden” of translation of certain information, it stands to reason that the Working Group should specify a recommendation of “who should bear the burden” of translating these “field names”, once it is clarified what they are.

#### **“Non-Recommendation” #7**

*“Based on recommendations #1-#6, the question of who should bear the burden of translating or transliterating contact information to a single common script is moot.”*

The main burden should lie on the parties collecting and maintaining the information (i.e., registrar, reseller, registry). See also our comments regarding Recommendation #1.

Respectfully submitted,

Intellectual Property Constituency (IPC)  
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